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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,052	10/20/2003	Harvey Kaylie	967AZ	9217
7590	05/11/2004		EXAMINER GUSHI, ROSS N	
Kevin Redmond 6960 SW Gator Trail Palm City, FL 34990			ART UNIT 2833	PAPER NUMBER

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,052

Applicant(s)

KAYLIE ET AL.

Examiner

Ross N. Gushi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in —

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a);

Claims 1, 2, 4, 5, 6, 8, 9, 11-13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Reynolds.

Regarding claim 1, Reynolds discloses a package for containing an electronic circuit assembly, the package comprising a housing 4 having a bottom surface and a plurality of walls extending upwardly from the bottom surface, the walls and the bottom surface defining a cavity 34 in the housing, the cavity being adapted to hold the electronic circuit assembly, at least one post 22 extending outwardly from one of the walls, the post being integrally formed with the housing, the post having a first end and a second end, the first end connected to the wall, a threaded annular sleeve portion located at the second end of the post, the threaded annular sleeve portion adapted to receive a female connector portion, a bore 24 passing through the post and the wall, the

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bore adapted to receive a terminal 28, and a cover (col. 2, line 60) located over the cavity and attached to the housing.

Per claim 2, an insulator 26 is located in the bore surrounding the terminal.

Per claim 4, the electronic circuit assembly is a printed circuit board (6, 8).

Per claim 5, the housing and cover are formed from metal.

Per claim 6, the terminal 28 is a feed through terminal.

Per claim 17, the circuit assembly is electrically connected to the bottom surface in order to make a ground connection between the housing and the circuit assembly (col. 2, lines 20-25).

Claims 8, 9, 11, 12, and 13 are rejected for the reasons pertaining to claims 1, 2, 4, 5, and 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7, 10, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds as in claim 1 in view of the admitted prior art.

Regarding claim 3, Reynolds does not solder the terminal. The admitted prior art discloses that it is well known to solder the terminal to the package. At the time of the invention, it would have been obvious to solder the Reynolds terminal to the package as

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taught in the admitted prior art, for reasons well known in the art such as for ensuring a stable and secure electrical connection between the components.

Regarding claim 7, Reynolds does not show a cover fastener. The admitted prior art discloses attaching the cover using a fastener. At the time of the invention, it would have been obvious to attach the cover to the housing using a fastener as taught in the admitted prior art for reasons well known in the art such as for preventing damage to the housing contents.

Claims 10, 16, are rejected for the reasons pertaining to claims 3, 8, and 9.

Regarding claim 18, the method of forming the device as in claims 3, 7, 10, and 16 would have been obvious.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds as in claim 12. Reynolds discloses that the housing is die cast rather than machined. Reynolds suggests that the housing may be made using other known methods (col. 2, lines 55-60). At the time of the invention, it would have been obvious to make the housing using known methods such as by machining for reasons well known in the art such as cost or simplification of manufacturing. "If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). MPEP section 2113.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds as in claim 8 in view of Inoue. Reynolds does not show an L-shaped cover.

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Inoue discloses an L-shaped cover 154. At the time of the invention, it would have been obvious to cover the Reynolds housing with an L-shaped cover as taught for reasons well known in the art such as to prevent dust or moisture from entering the housing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.



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